UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

FREEPLAY MUSIC, LLC,) Civil Action No.: 1:13-cv-5235-JPO
FREEFLAT WOSIC, LLC,) CIVII ACTION No.: 1.13-CV-3233-JFO
Plaintiff.))
)
-against -)
MAKITA CORPORATION)
and MAKITA U.S.A., INC.)
)
Defendants.)

NOTICE OF MAKITA U.S.A, INC.'S MOTION TO DISMISS THE THIRD AMENDED COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Makita U.S.A., Inc.'s Motion to Dismiss the Third Amended Complaint, Defendant Makita U.S.A., Inc. respectfully moves the United States District Court for the Southern District of New York for an order dismissing the Third Amended Complaint in the above-captioned matter.

Respectfully submitted,

Date: February 27, 2014 KNOBBE MARTENS OLSON & BEAR, LLP

/s/ Benjamin A. Katzenellenbogen

Michael K. Friedland Benjamin A. Katzenellenbogen

Samantha Y. Hsu

2040 Main Street, Fourteenth Floor

Irvine, CA 92614 Phone: (949) 760-0404 Fax: (949) 760-9502

Email: michael.friedland@knobbe.com ben.katzenellenbogen@knobbe.com

samantha.hsu@knobbe.com

TANNENBAUM HELPERN SYRACUSE & HIRSCTRITT LLP

Paul D. Sarkozi Jaclyn H. Grodin

900 Third Avenue New York, New York 10022 Phone: (212) 508-6700

Fax: (212) 371-1084 Email: sarkozi@thsh.com grodin@thsh.com

Attorneys for Defendant Makita U.S.A., Inc.

17349676